

September 23, 2002

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

**Re: Improving Public Safety Communication in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels
WT Docket No. 02-55 (DA 02-2202)**

Comments of the Federal Express Corporation (FedEx)

Dear Chairman Powell:

On November 21, 2001, Nextel submitted to the Commission a White Paper, which sought to reorganize the 700 MHz, the 800 MHz, and the 900 MHz bands for the purpose of promoting public safety communications.¹ On March 12, 2002, the Commission acted on Nextel's White Paper by releasing its *Notice of Proposed Rule Making*, making clear the Commission's goal to mitigate interference to public safety entities in the 800 MHz band.² We fully support the Commission's goal and realize its importance, especially in light of the tragic events of September 11th. Since the release of the NPRM, the entities that will be affected by any changes in the 800 MHz band have come together and crafted a Consensus Plan.³ It is apparent a change in this band is needed, as seen by the record demonstrating the interference reality suffered by

¹ See, "Promoting Public Safety Communications: Realigning the 800 MHz Land Mobile Radio Band to Rectify Commercial Mobile Radio – Public Safety Interference and Allocate Additional Spectrum To Meet Critical Public Safety Needs," filed by Nextel Communications, Inc, on November 21, 2001 (White Paper).

² See, *Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels*. Notice of Proposed Rule Making, WT Docket No. 02-55 (rel. Mar. 15, 2002) (NPRM).

³ See *Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels*; Reply Comments of Aeronautical Radio, Inc. (ARINC); The American Mobile Telecommunications Association (AMTA); The American Petroleum Institute (API); The Association of American Railroads (AAR); The Association of Public-Safety Communications Officials-International, Inc. (APCO); The Forest Industries Telecommunications (FIT); The Industrial Telecommunications Association, Inc. (ITA); The International Association of Chiefs of Police (IACP); The International Association of Fire Chiefs (IAFC) and International Municipal Signal Association (IMSA); The Major Cities Chiefs Association (MCC); The Major County Sheriffs' Association (MCSA); The National Sheriffs' Association (NSA); Nextel Communications, Inc.; The Personal Communications Industry Association (PCIA); The Taxicab, Limousine and Paratransit Association (TLPA) filed on August 7, 2002, WT Docket No. 02-55; See also, letter to Chairman Powell from the National Sand, Stone and Gravel Association (NSSGA) and ITA, filed on August 15, 2002, officially adding NSSGA to the list of signatories (Joint Commenters).

public safety and B/ILT operators. Now is the opportune time for the Commission to support the industry-wide consensus.

At FedEx our reliance on private wireless communications is an integral and vital component of our business operations and to the safety of our employees. FedEx has made substantial investments in communications equipment and licenses in the 800 MHz band. Due to our reliance on the ability to communicate effectively and the investments in those communications, any final result of this issue will have a serious impact on our company. This potential impact has required us to follow this issue closely.

FedEx believes the most practical and equitable solution lies in the Consensus Plan, submitted by the public safety community, the Private Wireless Coalition, and Nextel. Having read all of the proposals before the Commission, we believe the Consensus Plan is the best solution to the public safety interference problem. We understand the Consensus solution will cost FedEx some time and money to retune its licenses in the 806-809/851-854 MHz range. This solution offered, however, is the least disruptive option to the private wireless licensees in the 800 MHz band.

FedEx agrees with the authors of the Consensus Plan in that it achieves the Commission's goal of mitigating interference to public safety entities, while also causing the least amount of disruptions to those who will be affected by changes in the 800 MHz band. We realize that any changes to the status quo will be disruptive to those involved, but the Consensus Plan offers all affected licensees the most viable alternative.

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